

COMMONWEALTH OF KENTUCKY
KENTUCKY COMMISSION ON HUMAN RIGHTS
332 WEST BROADWAY, 7TH FLOOR
LOUISVILLE, KENTUCKY 40202
KCHR COMPLAINT NO. 3638-E

RECEIVED

JUL 7 2000

Ky Commission
on Human Rights

MARTA BROWN

COMPLAINANT

v.

WAL-MART STORES, INC.

RESPONDENT

RESPONDENT'S EXCEPTION TO
RECOMMENDED ORDER

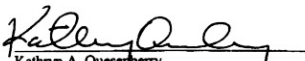
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Comes the Respondent, Wal-Mart Stores, Inc. ("Wal-Mart"), by counsel, and files this brief Exception to the Recommended Order issued on July 5, 2000. While Wal-Mart concurs with the Recommended Order's decision that Respondent did not engage in unlawful gender-based discrimination, Respondent would like to correct one misstatement of facts included in the Recommended Order.

Page 2 of the Recommended Order states that, "since this was a volunteer position, Wal-Mart did not compensate Ms. Brown for playing Santa nor did she expect compensation." In fact, Ms. Brown testified that she was compensated for the time she spent playing Santa (Hearing Transcript, Brown at 44, 68), although she had not expected to be paid for her time. (Hearing Transcript, Brown at 44). As Ms. Brown testified, "Yes, but I didn't expect to get paid, and Chris [Taylor, Store Manager] told me, 'go on and clock in.'" (Hearing Transcript, Brown at 68).

Other than this detail, Respondent, Wal-Mart Stores, Inc., takes no exception to the Recommended Order.

Respectfully submitted,



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Counsel for Respondent Wal-Mart Stores, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Respondent's Exception to Recommended Order was on the 6 day of July, 2000, served via first-class mail, postage pre-paid, to Alteata McWilliams, Staff Counsel, Kentucky Commission on Human Rights, 332 West Broadway, 7th Floor, Louisville, Kentucky 40202, and Marta Brown, P.O. Box 227, Sullivan, Kentucky 42460,



Counsel for Respondent